

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

I N D E X

IN

SUPPLEMENTARY AFFIDAVIT

(On behalf of the Chief Secretary, State of Uttarakhand, Dehradun)

(In Compliance to the Hon'ble Tribunal's Order dated 04.12.2025)

IN

O.A. No. 379 OF 2024

Bhuwan Chandra Bhatt

.....Applicant

Versus

Solar Pulse Energy Private Limited & Ors.

.....Respondents

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Dated: 24/02/2026


Anjali Rajput
Panel Counsel
Government of Uttarakhand

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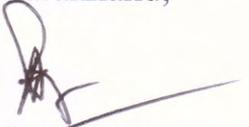
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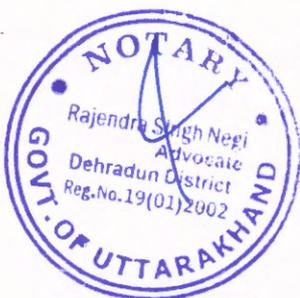


Affidavit of Anand Bardhan (Male), aged about 58 years, S/o Sh. S. S. Barnwal, presently posted as Chief Secretary, State of Uttarakhand, Dehradun.


(Deponent)

I, the above-named deponent, do hereby solemnly affirm and state on as of:

1. That the deponent is presently posted as Chief Secretary, State of Uttarakhand, Dehradun. However, the State has not been arrayed as a Respondent in the instant Original Application but this Hon'ble Tribunal vide its Order dated 24.09.2025 and further 04.12.2025 has directed the Chief Secretary to file an Affidavit as such he is fully



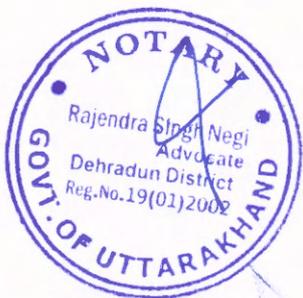


conversant with the facts of the case and competent to swear the present Affidavit.

2. That the applicant one Mr. Bhuwan Chandra Bhatt has approached to this Hon'ble Tribunal alleging indiscriminate felling of Chir and Banj trees in Village Kunidhar, Tehsil Bhikiasen, Almora by some of the project proponents while setting up Solar Energy Plant.
3. That on 24.09.2025 after the course of hearing in the present matter, this Hon'ble Tribunal was pleased to pass certain directions and directed the Chief Secretary, State of Uttarakhand to file an affidavit. The relevant paras of the said Order dated 24.09.2025 are being quoted here for kind perusal of this Hon'ble Tribunal:

"6. Submission of Counsel for Forest Department is that maximum penalty prescribed in the Act is Rs. 5000 per tree only, if that is so, such a provision may encourage illegal felling of trees because any person can indulge in such illegal felling of trees and obtain the timber of a value much high than Rs. 5000 and go scot free merely by paying 5000 rupees penalty. This aspect needs to be looked into by the concerned authorities of the State so that Act instead of preventing illegal felling of trees may not encourage it. In such circumstances, we require the Chief Secretary, State of Uttarakhand to examine the above issue and file his affidavit before the next date of hearing".

4. That in compliance to the above directions, the Additional Secretary, Forest & Environment has filed and affidavit in December 2025 stating that the Forest Department, Uttarakhand, in order to strengthen the penalties mentioned in the Tree Protection Act,1976 has sent a proposal to the Government of Uttarakhand proposing certain

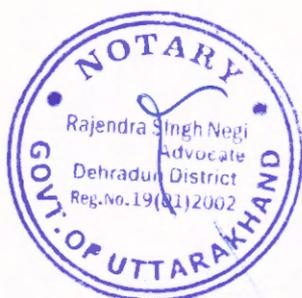


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amendments in the provisions provided under section 3, 10, Section 15, section 48 & 62 of said Act.

5. That as per the proposal so received by the Forest Department, Uttarakhand, the following main amendments have been proposed:

<i>Section</i>	<i>Current Arrangement/Order/Rule</i>	<i>Proposed Amendment</i>
<i>Section-10</i>	<i>Penalty for disposal or adoption of tree in contravention of section-4 Whoever fells or causes to be felled any standing tree, or cuts, removes or otherwise disposes of any fallen tree, in contravention of the provisions of section 4, or contravenes any condition of any permission granted under this Act, shall be punished with imprisonment which may extend to six months or fine which may extend to one thousand rupees or with both.</i>	<i>Section 10 of the Uttar Pradesh Tree Protection Act, 1976 (Adaptation and Modification Order. 2002) shall be substituted as under, namely: 10. Punishment for felling, disposal or removal or removal of trees in contravention of this Act or contravention of permission granted under this Act: - Whoever fells or causes to be felled any standing tree, or cuts, removes or otherwise disposes of any fallen tree, in contravention of the provisions of section 4, or contravenes any condition of any permission granted under this Act. he shall be punished with fine. which will not be less than Rs. 5,000 per tree. For the second or subsequent offence, he shall be punished with fine which will not be less than Rs. 10,000 per tree. For trees situated in grove and garden and for the felling, cutting, disposal or removal of any trees or in contravention of any condition of this Act he shall be punished with</i>



	<p><i>payment of such amount, not exceeding five thousand rupees as he may in the circumstances of the case think fit, release the property seized under this Act.</i></p>	<p><i>proceedings under this Act shall be taken against such person and notwithstanding anything contained in Section 14, such officer may on payment of such amount, not less than Rs. 10,000 per tree and for second or subsequent offence not less than Rs. 25,000 per tree, as he may in the circumstances of the case think fit, release the property other than government property seized under this Act.</i></p>
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The copy of the proposal has already been placed on record by way of previous affidavit filed by the Additional Secretary, Forest Department, Government of Uttarakhand.

6. That the said proposal is under active consideration of the Government and inputs from different departments of the State Government i.e. Law, Finance are being taken and accordingly the said proposal shall be put up before the Cabinet of the State.
7. That after the due course of hearing on 04.12.2025, this Hon'ble Tribunal while considering the said affidavit was pleased to pass certain directions vide its Order dated 04.12.2025. The relevant part of the said Order is being quoted here for kind perusal of this Hon'ble Tribunal:

"6. A perusal of the proposed amendment indicates that for illegal felling of standing tree, fine of rupees not less than Rs. 5000 per tree has been proposed and for the second and subsequent offence, fine of rupees not less than Rs. 10,000 per tree has been proposed. This fine amount is much less than the value of timber which may be obtained



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from illegally cutting a fully mature tree. Proposed amendment in Section 15 (1) of the Act provides for compounding of offence by paying of rupees not less than Rs. 10,000 per tree by way of compensation for the first offence and rupees not less than Rs. 25,000 per tree for the second and subsequent offence. This amount also seems to be not commensurate with the value of timber that may be obtained by illegal felling of a tree. Such a provision may in fact encourage the illegal felling of tree and get away with the offence merely by paying the compounding fee of Rs. 10,000 or 25,000”.

8. That it is submitted that illicit felling of trees on forest land is punishable under section 26 provided in Indian Forest Act, 1927 (as amended 2001), which states:

‘26. Acts prohibited in such forests—

(1) Any person who—

(a)

(b)

(c)

(d)

(e)

(f) *fells, girdles, lops, taps or burns any tree or strips off the bark or leaves from, or otherwise damages, the same;*

.....

.....

shall be punishable with imprisonment for a term which may extend to two years, or with fine which may extend to five thousand rupees, or with both, in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid’.

That case of illicit felling of tree(s) on private land attracts provisions of Tree Protection Act, 1976 which provides the provision of imposing fine on illegal felling of trees. Since the trees standing on private land



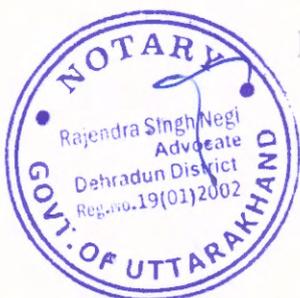
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does not belong to the State Government therefore, there is no such provision to evaluate the value of timber obtained from felled tree on private land. It is further submitted that as per the provisions of Tree Protection Act, 1976 (Section 4), permission may be given to fell a tree on certain conditions which also includes a condition to plant and tend two trees in place of every tree in the area, from where such tree has been felled, cut, removed or disposed by applicant. And if without obtaining such permission, as provided under section 4 of the Tree Protection Act, 1976, tree felling is carried out, then proceedings as per section 10 of the said Act are adopted. Section 10 of the said Act is quoted here for kind perusal of this Hon'ble Tribunal:

“10. Whoever fells or causes to be felled any standing tree, or cuts, removes or otherwise disposes of any fallen tree, in contravention of the provisions of section 4, or contravenes any condition of any permission granted under this Act, shall be punished with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both”.

However, the State Government, in order to strengthen the penal provisions contemplating certain amendments in the said Act, as submitted before this Hon'ble Tribunal by way of previous affidavit. Albeit, the material/timber obtained from illegally felled tree on a private land belongs to the owner of the said land, thus the evaluation of such material and imposing extra fine on the very basis by the State authorities would not be justifiable.

10. That the deponent undertakes to comply the further directions, to be passed by this Hon'ble Tribunal in the present matter.



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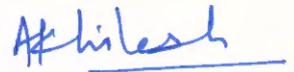
I, the above named deponent, do hereby verify that the contents of Para nos. _____ of this affidavit are true to my personal knowledge, those of Para nos. _____ of this affidavit are based on records, those of Para nos. _____ of this affidavit are as per the legal advice received and those of Para nos. _____ of this affidavit are as per the information received which all I believe to be true. That no part of this affidavit is false and nothing material has been concealed.



DEPONENT

So help me God

I, Akhilesh Mishra, Deputy Secretary, Forest Section-3, Government of Uttarakhand, Secretariat, Dehradun, do hereby identify the deponent who has produced the records of the case before me and I am satisfied thahe is the same person as alleged.



IDENTIFIER

Solemnly affirmed before me, today, the 29 day of February, 2026 at 11.5 am/pm by the deponent who has been identified by the aforesaid person.

I have satisfied myself by examining the deponent that she has understood the contents of this affidavit, which have been read over and explained to her.

OATH COMMISSIONER/NOTARY




S.No- 817/26

This affidavit is sworn before me by Shri Amit Bhatia who is identified by Shri Akhilesh Mishra at Dehradun on.....

(Rajendra Singh Negi)
Advocate & Notary

